

### **Remarks**

A reconsideration of the present application is respectfully respected. Claims 1, 7, 12 and 15 have been amended. Specifically, independent claims 1 and 12 have been amended to claim a generally horizontal baffle that extends into the interior compartment. Claim 1 has been further amended to claim the location of the drain between the top and the baffle. Claims 7 and 15 have been amended to correct the dependency. Claims 5, 14 and 22-17 have been canceled. Claims 1-4, 6-9, 11-13, 15-19 and 21 remain pending in the application.

Counsel for Applicant would like to thank Examiner Rowan for his consideration during the interview of December 20, 2001. In view of the interview, applicant has amended the claims to claim the subject matter in a manner that overcomes the references previously relied upon in rejecting the claims. Specifically, the claims are directed to a livewell tank having a top and a generally horizontal baffle located at a distance from the top that operate conjunctively to minimize sloshing within the tank. Independent claim 1 further requires an overflow drain disposed between the baffle and the top. As discussed in the interview, neither the Splickan patent nor the Hobson patent teaches or suggests the subject matter of the amended claims.

Also, as discussed in the interview, a new drawing sheet having additional views of the livewell tank is being submitted for the Examiner's consideration. Namely, new figures 3 and 4 are elevational views of the livewell tank taken from the front and side, respectively. As discussed in the interview, no new elements have been added. Accordingly, applicants submit that the figures do not constitute new matter, and respectfully requests the approval by the Examiner.

In summary, it is respectfully submitted that the application is in form for allowance and such allowance is respectfully requested. However, should the Examiner feel that unresolved

issues remain in the case, the undersigned may be contacted at 1-800-821-7962 to arrange for an issue resolving conference.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."** A Request for Continued Examination and appropriate fee are being filed herewith.

Applicants believe that the appropriate fee has been paid. However, the Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Account No. 19-2112. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, reading "Daniel P. Devers". The signature is fluid and cursive, with the first name "Daniel" and last name "Devers" clearly legible.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the specification:**

The paragraph beginning at page 4, lines 4-6 has been amended as follows:

--Fig. 1 is a perspective view of a livewell tank according to the present invention; [and]

Fig. 2 is a fragmentary, horizontal cross sectional view of livewell tank of Fig. 2 illustrating the livewell assembled with the deck of the boat;[.]

Fig. 3 is a front elevational view of the livewell tank of Fig. 2 with the hatch and boat deck shown in phantom lines; and

Fig. 4 is a side elevational view of the livewell tank of Fig. 3 with the hatch and boat deck shown in phantom lines.--

Claim 1 has been amended as follows:

1. (Twice Amended) A livewell tank for use on a boat to hold fish, said tank comprising:

a bottom;

a sidewall section having first and second opposing ends, said sidewall section coupled with said bottom at said first end to define an interior compartment;

a top coupled with said second end of said sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from said sidewall section to cover a portion of said interior compartment;

a baffle coupled with said sidewall section, said baffle extending generally horizontally from said sidewall section inwardly into said interior compartment, and  
an overflow drain coupled with said sidewall section of said tank [proximate said top]  
between said top and said baffle whereby said compartment is capable of retaining water near said top of said compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

Claim 5 has been canceled.

Claim 7 has been amended as follows:

7. (Amended) The livewell tank of claim 1 [6] wherein said baffle includes a lower, generally planar surface and an upper, curved surface.

Claim 12 has been amended as follows:

12. (Amended) A livewell tank for use on a boat to hold fish, said tank comprising:  
a bottom;  
a sidewall section having first and second opposing ends, said sidewall section coupled with and upstanding from said bottom at said first end to define an interior compartment;  
a top coupled with said second end of said sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from a portion of said sidewall section to cover a portion of said interior compartment; and  
a baffle coupled with said sidewall section, said baffle extending generally horizontally from said sidewall section inwardly into said interior compartment whereby said

compartment is capable of retaining water near said top of said compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

Claim 14 has been canceled.

Claim 15 has been amended as follows:

15. (Amended) The livewell tank of claim 12 [14] wherein said baffle includes a lower, generally planar surface and an upper, curved surface.

Claims 22-27 have been canceled.